

Appin, No. 09/836,685
Amendment dated September 26, 2003
Preliminary Amendment Following RCE

REMARKS/ARGUMENTS

Applicants appreciate the August 28, 2003 telephonic interview granted by the Examiner. With this preliminary amendment, independent claim 1 has been amended as proposed during the interview to recite the step of "moving said MDOE to distribute any said output optical signal(s) to any said output station(s)". Similarly, claim 32 has been amended to recite the step of "moving said MDOE to distribute any said output optical signals to any said output stations". Finally, claim 17 has been amended to recite "said MDOE being positioned to intercept said input optical signal(s) for generating output optical signal(s) and distributing any said output optical signal(s), to any said output optical station(s)". The amendments to claims 1, 17, and 32 are intended to clarify the versatility of the invention, in that by moving the MDOE any output signal may be distributed to any output station.

Reconsideration of the above-identified application respectfully requested. No new matter is added by virtue of these claim amendments. Applicants assert that no claims have been narrowed with the meaning of *Festo* (*Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 US 722, 112 S.Ct. 1831, 152 L.Ed.2d 944, 62 USPQ2d 1705 (2002)). See also *Interactive Pictures Corp. v. Infinite Pictures Inc.*, Fed Cir., No. 01-1029, December 20, 2001 (addition of the words "transform calculation" was not a narrowing amendment because that addition did nothing more than make express what had been implicit in the claim as originally worded).

Dependent claims 4, 7, 8, 16, 20, 23, 31, and 39 are hereby cancelled.

In view of the allowability of generic claims 1, 17, and 32, Applicants request that the dependent species claims also be allowed. Applicants have amended the withdrawn dependent claims where necessary to match the language of the independent claims.

In view of the above, Applicants respectfully request that a Notice of Allowance be issued.

Respectfully submitted,

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